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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,155	08/01/2006	Makoto Kagaya	MIY.001.0045.PC	4105
58789	7590	12/06/2010	EXAMINER	
NDQ&M WATCHSTONE LLP 300 NEW JERSEY AVENUE, NW FIFTH FLOOR WASHINGTON, DC 20001			ZIA, SYED	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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S Peter Konzel  
NDQ&M Watchstone LLP  
300 New Jersey Avenue, NW  
Fifth Floor  
Washington DC 20001

In re Application of:  
Kagaya )  
Application No. 10/588,155 )  
Filed: August 1, 2006 ) DECISION ON PETITION  
For: Secret Information Management Scheme Based ) UNDER 37 CFR § 1.181  
on Secret Sharing Scheme )

This is a decision on the petition filed on November 17, 2010 under 37 C.F.R. § 1.181 to request for withdrawal of the Finality of Office Action mailed August 17, 2010.

The petition is **GRANTED**.

## **BACKGROUND**

On March 2, 2010, a non-Final Office action was issued with no 35 USC 101 rejection of any claims in it.

On June 2, 2010, a response was filed not amending claim 16.

On August 17, 2010, a Final Office action was issued with a 35 USC 101 rejection of claim 16.

## **RULES AND PROCEDURES**

MPEP § 706.07(a) states in part that:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

## **DECISION**

A review of the file indicates that the new 35 USC 101 rejection was not necessitated by amendment nor based on information submitted in an IDS. Therefore, the Final Office Action issued was premature.

For the above stated reasons, the petition is **GRANTED**. The finality of the Office action mailed August 17, 2010 is hereby removed. The November 17, 2010 amendment and response will be forwarded to TSS for processing as a response to a non final office action.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

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Tod R Swann, WQAS 2430  
Technology Center 2400

